

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BARRY HENDERSON

v.

UNITED STATES OF AMERICA

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:
: CIVIL NO. CCB-14-1708
: Criminal No. CCB-07-0497
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MEMORANDUM and ORDER

Federal prison inmate Barry Henderson filed a motion to vacate in May 2014 under 28 U.S.C. § 2255 seeking a sentence reduction under *Descamps v. United States*, 133 S. Ct. 2276 (2013). This is his third motion, and he has not obtained leave to file a successive petition from the Fourth Circuit. Accordingly, this court has no jurisdiction to grant the relief he seeks. Nor does it appear he would be entitled to relief under either *Descamps*, *Whiteside v. United States*, 775 F.3d 180 (4th Cir. 2014), or *Johnson v. United States*, 135 S. Ct. 2551 (2015), because he is a career offender based on prior qualifying drug convictions.

It is therefore **ORDERED** that:

1. the motion to vacate (ECF No. 53) is **Dismissed** for lack of jurisdiction;
2. no certificate of appealability will issue;
3. the Clerk shall **CLOSE** Civil Case No. CCB-14-1708; and
4. the Clerk shall **SEND** a copy of this opinion to Barry Henderson and government counsel.

December 23, 2016
Date

_____/S/
Catherine C. Blake
United States District Judge